

Minutes for the May 4, 2015 meeting

Committee members in attendance

Jennifer Aiosa
Kimberly Brandt
Bif Browning
Debbie Cameron
Terry Cummings
Brian Hammock
Matthew Kimball
Joan Plisko
Alan Pressman
Daryl Sabourin
Eric Schwaab
Noah Smock

Ex-officio members / others in attendance

Alan Robinson, Chief, Office of Strategy and Performance Management, DPW
Kimberly Grove, Chief, Office of Compliance and Laboratories, DPW
Mark Cameron, Office of Compliance and Laboratories, DPW
Marcia Collins, Legislative Liaison, DPW
Dana Cooper, General Counsel, DPW
Denise Caldwell, Department of Recreation and Parks
Michael Wilmore, Department of Transportation

Other Attendees

Laura Bankey, National Aquarium
John Berard, Blue Water Baltimore
Megan Driscoll, National Aquarium
Andy Galli, Clean Water Action
Karen Nichols, HDR Engineering
Jodi Rose, Interfaith partners for the Chesapeake (attending on behalf of Bonnie Sorak)
Ande Saunders, Civic Works

Meeting Minutes

The meeting started at 6:10pm with introductory remarks by Terry Cummings and introductions of all attendees. Alan Robinson asked that people sign in, and noted that there were index cards if non-SWAC attendees had questions that wanted addressed.

MS4 Restoration and TMDL WIP Update

Mark Cameron provided an update on the MS4 WIP. DPW has addressed all of the comments and is revising the WIP based on both public comments and those made by MDE. The significant comments were:

- The WIP should provide more detailed information regarding how the City is going to meet the TMDL Waste Load Allocations (WLAs) for nutrients, sediment, and bacteria. This should include a description of each TMDL, what projects and practices are being implemented, load reductions, and a schedule for meeting the required load allocations. MDE did not feel that a separate report was needed for each TMDL and encouraged the City to incorporate these into the WIP document.



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- Verify the impervious baseline calculations. There were discrepancies between two data sets for the City's baseline impervious acreage. The data has been reviewed and adjustments made.
- Street sweeping: Street sweeping figures for 2010 were included in the baseline adjustments; however MDE said that the City should not any street sweeping in baseline because it is an annual practice. Thus, the entire street sweeping amounts will be included as part of the 20% restoration and TMDL waste load allocations. Although the amount of equivalent impervious acres treated by street sweeping will increase, DPW will not be decreasing any projects because of this.

MDE also complimented the City on the level of detail for projects listed in Appendix A. The Implementation Subcommittee will be using the appendix to review the progress of the WIP.

The Final WIP will be ready for internal DPW review by the end of May. The public release of the Final WIP document will be no later than June 30 and will be posted on www.cleanwaterbaltimore.org. The Comment Response Document, which will address all public comments received, will be released at the same time as the Final WIP.

SWAC members had the following questions (answers in italics):

- Is implementation happening now or is DPW waiting to revise the WIP? *DPW is not waiting and is moving forward with the following: additional engineers and other staff are being hired; capital projects are underway including Race Street and Biddison Run stream restoration and bank stabilization; Harris Creek storm drain evaluation is underway; the storm drain inlet screen contract is under negotiation with construction expected to begin during the summer; proactive inlet cleaning program is being planned; and \$3 million for design and engineering contracts is being advertised with another \$4million to follow.*
- How will the Implementation Subcommittee be able to track these projects? *Appendix A of the WIP will be modified to serve as progress schedule and DPW will work with the subcommittee on the format.*

Update on General Session legislation

Marcia Collins provided a legislative update from the past session. The House and Senate gave final approval to SB 863, which lets Baltimore City and the state's nine most populated counties decide how they want to pay for programs to reduce polluted runoff, but holds them more accountable for doing the job. SB 863 (also known as the Miller Bill), has not yet been signed by the Governor. Ms. Collins gave the following highlights:

- There is some confusion from people thinking that the fee was repealed. It was not. The legislation changed the language from "shall" enact a stormwater fee, to "may". If a jurisdiction does not charge a fee, then they must identify other sources of funding (like General Funds). Baltimore City is keeping the fee in place.
- Veteran's organizations are now exempt, with some permutations, but Baltimore will probably exempt them regardless. This is still to be determined.
- A jurisdiction can charge State properties a fee if the local jurisdiction charges itself a fee. This doesn't make sense for Baltimore because the City's contribution would be larger than the State.
- A statement regarding the fee will be added to the back of the water bill.
- Biennial reporting requirement changed to annual reporting requirement.



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- Financial assurance plan is now every 2 years, and must show the State that you have adequate funding for your permit. If you do away with or lower your fee, have to do a much more comprehensive plan.

Non-profit organizations can qualify for hardship status, which is not defined in the bill. If they have a hardship, they can enter into alternate compliance plan. MDE may establish regulations for alternate compliance plan. DPW will be looking for advice from SWAC on this.

A summary of the recent legislative session will be forwarded separately to SWAC members. The Committee appreciated Ms. Collins updating them throughout the session, and asked that she participate in the Policy Subcommittee.

Ms. Collins concluded by saying that both the plastic bag fee bill and the bottle deposit bill did not pass.

Fiscal 101

Kim Grove presented a “Fiscal 101” to explain the funding sources of the stormwater program, financing capital projects, operations and capital expenditure projections, billing vs. revenue, and fiscal timeline (a copy of the presentation is on www.cleanwaterbaltimore.org). She began the presentation by sharing a glossary of terms for the SWAC members to review. The intention is to post this on DPW’s website for the general public.

A following are highlights of the presentation:

- There are currently several different types of resources for funding the stormwater program. The primary resource is the stormwater remediation fee, but others include Water/Wastewater Utility, General Fund, fees and penalties, grants, and fee in lieu.
- Capital projects are funded by PayGo (cash in hand) and debt service. In the first few years of the stormwater fee a reserve will be established so as to leverage future bonds.
- Expenditures (and appropriations) is expected to peak in FY18, which is the last year of the WIP 5-Year Plan. This is because of the large number of projects that will be under construction.
- Eighty-six percent (86%) of the Operations Budget for Stormwater is funded by the Stormwater Utility Fund.
- DPW has financial information for the amount of stormwater fees that were billed through the 3rd Quarter of FY15 (\$22.1 M), but not the amount of revenue received. This is because DPW is awaiting revenue figures from the Finance Department; this figure is complicated because of the billing system (4 different fees on one bill) and the number of people who make partial payments.
- Fiscal planning schedule was presented, which included when SWAC would review fiscal material.

SWAC members had several questions (answers in italics):

- What is the difference between appropriation and expenditure? *Appropriation means authority to spend, not that you necessarily have cash in hand.*
- What is administrative rate you charge on capital projects? *6%.*
- What is typical life span of projects if you’re borrowing for 30 years? *Hard to say with green infrastructure. We know about pipes, but plants are harder to determine. We are using a 50 year life span for the functional aspects of green infrastructure, although some experts have identified a 30 year life span. Green infrastructure is relatively new.*



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- Is the 10% contingency to maintain projects? *No, it's to account for unexpected things in the capital project. Where is maintenance budgeted? Operations, which will increase to account for new projects to maintain.*
- Is the appropriations process annually? *Yes, but we project 6 years out for the CIP.*
- Why do appropriations drop significantly after FY18? *This is the end of the Permit cycle, which is when we are doing most of our construction under the current permit.*
- You probably didn't get any money from the stormwater fee for 2014, so how much will it be going forward? *Actually, we got a lot from fee, but some of it is being used to build a reserve. So what did the budget look like in FY13? Much lower totals, primarily General Funds which were non-sustainable and subject to cuts each year. It would be helpful to tell people what they're getting now that there's a stormwater fee that they weren't getting before.*
- The pie chart on funding sources is helpful. Can a similar pie chart for 2013 be created? *Yes.*
- What does reserve amount need to be? *Will check with Fiscal.*
- Why is so difficult to determine the stormwater fee revenue from partial payments? *The City has an antiquated billing system, the bay restoration is set, there was a previously applied percentage between water and wastewater, bay restoration is set, but no relationship for stormwater. A new billing system will alleviate the problem. How many people don't pay their whole bill? A lot, don't have exact number.*
- Are you not spending money because you don't know how much you collected? *No. We project.*
- Can we get copy of presentation? *Yes.*

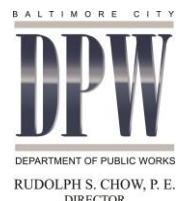
Trash TMDL WIP (30% document)

Mark Cameron provided a refresher on the Trash TMDL and the 30% draft WIP shared with SWAC members. He reminded members that the focus of the WIP is to meet the wasteload allocation reductions set forward in the Trash TMDL; the WIP is not a comprehensive trash reduction strategy for the entire city. Additionally:

- The geographic boundary of the TMDL covers only 60% of City.
- The TMDL requires the City remove approximately 228,000 pounds of trash.
- MDE does not establish a timeframe; Baltimore City will determine this as part of the WIP.
- The trash baseline was established using monitoring done in 2010 and 2011.
- There are only two other Trash TMDLs (LA and the Anacostia). DPW has reviewed their plans, although the Anacostia Trash TMDL WIPs have not been approved by MDE.
- The 60% draft will include trash reduction load calculations and efficiencies, recommended practices, and milestones.

Mark asked that the SWAC members 1) get comments to him by the end of the month, 2) share the draft Trash WIP with their constituents, and 3) forward any constituent comments to him. To assist in the dissemination and education with their constituents, a 3-page summary will be provided to SWAC members.

The draft WIP has also been shared with the Healthy Harbor Initiative, who has hosted a couple of meetings with the NGOs involved with the Healthy Harbor Initiative. Terry Cummings said that the Healthy Harbor group will



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take a more technical approach and that SWAC can be less technical. He also asked if SWAC should provide one set of comments. This is not necessary; SWAC members should feel free to submit separate comments.

SWAC Sub-committee updates

Implementation Subcommittee

Eric Schwaab gave the report. A brief conference call happened. The subcommittee was interested in reviewing and discussing a more detailed schedule for project implementation. They also were interested in working with the department on advancing innovative projects. Kim and Alan will get back to them with a plan and schedule.

Outreach and Communications Subcommittee

Noah Smock gave the report. The first meeting (conference call) was on April 16. The group agreed that the subcommittee chair will rotate every 6 months. Noah Smock will be the first chair and serve from May through October. The subcommittee will meet monthly. Two areas of interest were discussed. Terry Cummings offered to develop a draft 3-year communication plan that will identify what we need to communicate and the various means of doing so, including social media and signage. Ashley Pennington will assist Terry. The draft plan will be distributed to the subcommittee in advance of our next meeting.

The group was also interested in learning more about where the city was doing outreach. Mark Cameron will provide information on the top four neighborhoods. The group will need to identify what role they play in outreach. It was also noted that there are numerous other stormwater/clean water initiatives underway, including Healthy Harbor, the Trash Workgroup of Healthy Harbor, Watershed 263 and the Middle Branch Workgroup, and that we should keep those initiatives in mind as we move forward. Next meeting (conference call) is May 14.

Policy Subcommittee

The Subcommittee just concluded its first meeting prior to SWAC meeting. They were asked to review an issue regarding stormwater fee credits with Amports. No decision was made by the end of the meeting, but the group will continue to work on this.

Finance Subcommittee

On 4/20/15, the SWAC Finance Subcommittee held an initial meeting by phone at 12 noon. Debbie Cameron, Terry Cummings, Jenn Aiosa, Kim Grove, Kimberly Brandt and Diane Ingraham called in. Daryl Sabourin was unable to attend.

The group generally discussed the need to gather more information prior to discussing the direction of the subcommittee. Kim Grove, with Baltimore City, shared three documents from the Clean Water Baltimore website related to the Stormwater Utility finances that she recommended as initial reading. The subcommittee members agreed to "homework" to read each and develop questions as a starting place. Kim also suggested that a "Finance 101" presentation would be made at the May 4 SWAC meeting. The subcommittee members agreed to collect comments and questions from the web documents and the May 4 presentation, and use these as an appropriate jumping off point for the next meeting of the subcommittee.

Jenn Aiosa agreed to continue coordinating the subcommittee for the time being, and sent a Doodle poll to subcommittee members to determine the next meeting date. Monday, May 18 at 6pm will be the next Finance subcommittee call. The call-in information is: 805-360-1000, passcode: 220934#



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Any interested SWAC members are welcomed to join the call. Please see the City SW website: www.cleanwaterbaltimore.org to view the city's Business plan and MS4 Annual report, as well as other documentation on the fee to date.

At the end of the Subcommittee reports, an audience member commented that it should be DPW's responsibility to develop and outreach and communications plan, not SWAC members. The SWAC Chair responded that the intention was not that SWAC members were expected to do outreach (other than with their own constituent groups) and that a couple of Subcommittee members were interested in taking the lead on drafting recommendations for a communications plan to share with DPW.

Conclusion

Terry Cummings informed the SWAC that Diane Ingram had resigned from the Committee in order to focus on neighborhood issues. Alan Robinson thanked the SWAC members for their time and commitment, and reminded them of the next quarterly meeting in August. He also asked attendees to leave any questions or comments they had with him.

The meeting ended at 8:10pm.

Next meeting is August 3, 2015. Location to be determined.

